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FILED

2007 SEP 20 PM 4:52

 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiffs,  
 BMG MUSIC; UMG RECORDINGS, INC.; SONY **E-filing**  
 BMG MUSIC ENTERTAINMENT; CAPITOL  
 RECORDS, INC.; ATLANTIC RECORDING  
 CORPORATION; and ELEKTRA  
 ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

BMG MUSIC, a New York general partnership;  
 UMG RECORDINGS, INC., a Delaware  
 corporation; SONY BMG MUSIC  
 ENTERTAINMENT, a Delaware general  
 partnership; CAPITOL RECORDS, INC., a  
 Delaware corporation; ATLANTIC  
 RECORDING CORPORATION, a Delaware  
 corporation; and ELEKTRA  
 ENTERTAINMENT GROUP INC., a Delaware  
 corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 07-0002

EDL

**EX PARTE APPLICATION FOR LEAVE  
 TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
 2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
 3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
 6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
 7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe  
 8 ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online media  
 10 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to  
 11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
 12 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time  
 13 of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
 15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
 16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
 17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
 18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
 20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
 22 foregoing requested discovery immediately.

23 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

24 By: 

25 MATTHEW FRANKLIN JAKSA  
 26 Attorney for Plaintiffs  
 27 BMG MUSIC; UMG RECORDINGS, INC.;  
 28 SONY BMG MUSIC ENTERTAINMENT;  
 CAPITOL RECORDS, INC.; ATLANTIC  
 RECORDING CORPORATION; and ELEKTRA  
 ENTERTAINMENT GROUP INC.

1